

**STANDARD APPLICATION**  
**Harford County**  
**Board of Appeals**  
 Bel Air, Maryland 21014

JUL 9 2004

Case No. 5434  
 Date Filed 7/8/04  
 Hearing Date \_\_\_\_\_  
 Receipt \_\_\_\_\_  
 Fee \_\_\_\_\_

*Shaded Areas for Office Use Only*

<b>Type of Application</b>	CASE 5434 MAP 43 TYPE Special Exceptions
<input type="checkbox"/> Administrative Decision/Interpretation	ELECTION DISTRICT 3 LOCATION 20 Carico Lane, Churchville, Md. 21028
<input checked="" type="checkbox"/> Special Exception	BY Donald F. and Mary Sue Lynch
<input type="checkbox"/> Use Variance	
<input type="checkbox"/> Change/Extension of Non-Conforming Use	Appealed because a special exception pursuant to Section 267-53D(1) of the Harford County Code
<input type="checkbox"/> Minor Area Variance	to allow the storage of Commercial Vehicles and a Special Exception pursuant to Section 267-53H(1) of
<input type="checkbox"/> Area Variance	the Harford County Code to allow construction services in an Agricultural District requires approval by
<input type="checkbox"/> Variance from Requirements of the Code	the Board.
<input type="checkbox"/> Zoning Map/Drafting Correction	

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

**Applicant/Owner (please print or type)**

Name Donald F. Lynch, Jr. & Mary Sue Lynch Phone Number call attorney

Address 20 Carico Lane Churchville MD 21028  
*Street Number Street City State Zip Code*

Co-Applicant None Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
*Street Number Street City State Zip Code*

Contract Purchaser None Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
*Street Number Street City State Zip Code*

Attorney/Representative Michael E. Leaf Phone Number 410 838-2333

Address 112 South Main Street, Suite 102 Bel Air MD 21014  
*Street Number Street City State Zip Code*

## Land Description

Address and Location of Property 20 Carico Lane, Churchville, MD

Subdivision Harford County Investors Corporation

Lot Number 2

Acreage/Lot Size 6.0003 acres

Election District 3

Zoning Ag

Tax Map No. 43

Grid No. 2A

Parcel 383

Water/Sewer: Private X

Public       

List ALL structures on property and current use: House, garage, pole barn

Estimated time required to present case: 30 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? no

Is this property located within the County's Chesapeake Bay Critical Area? Yes        No X

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes        No X

Is this request within one (1) mile of any incorporated town limits? Yes        No X

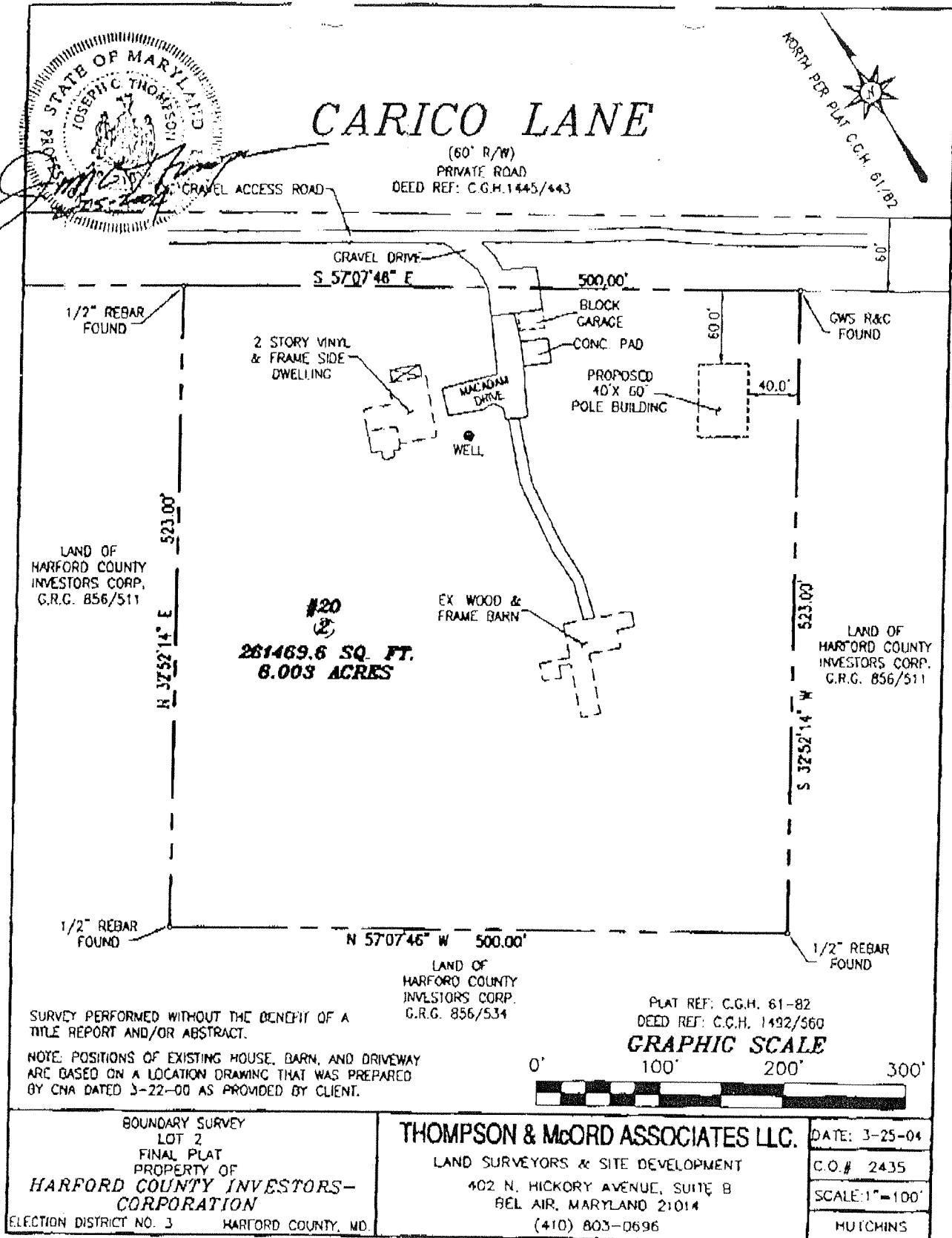
## Request

Special Exception approval for construction services and supplies use and commercial  
vehicle storage.

## Justification

Proposed use satisfies all requirements of codes and may be constructed without any  
detriment to neighbors or public health, safety or welfare.

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*



**JAMES M. HARKINS**  
HARFORD COUNTY EXECUTIVE

**JOHN J. O'NEILL, JR.**  
DIRECTOR OF ADMINISTRATION



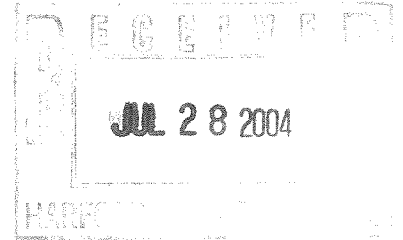
**J. STEVEN KAIL-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

July 26, 2004

### STAFF REPORT



### BOARD OF APPEALS CASE NO. 5434

APPLICANT/OWNER: Donald F. Lynch, Jr. and Mary Sue Lynch  
20 Carico Lane, Churchville, Maryland 21028

REPRESENTATIVE: Michael E. Leaf  
112 South Main Street, Suite 102, Bel Air, Maryland 21014

LOCATION: 20 Carico Lane/Harford County Investors Corporation  
Tax Map: 43 / Grid: 2A / Parcel: 383 / Lot: 2  
Election District: Third (3)

ACREAGE: 6.003 acres

ZONING: AG/Agricultural

DATE FILED: July 8, 2004

HEARING DATE: September 1, 2004

### APPLICANTS' REQUEST and JUSTIFICATION:

#### Request:

"Special Exception approval for construction services and supplies use and commercial vehicle storage."

*~ Preserving our values, protecting our future ~*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • [www.co.ha.md.us](http://www.co.ha.md.us)

*This document is available in alternative format upon request.*

STAFF REPORT

Board of Appeals Case Number 5434

Donald & Mary Sue Lynch

Page 2 of 7

Justification:

“Proposed use satisfies all requirements of codes and may be constructed without any detriment to neighbors or public health, safety or welfare.”

**CODE REQUIREMENTS:**

The Applicants are requesting a Special Exception pursuant to Section 267-53D(1) of the Harford County Code to allow the storage of Commercial Vehicles and a Special Exception pursuant to Section 267-53H(1) of the Harford County Code to allow construction services in an Agricultural District.

Section 267-53D(1) of the Harford County Code reads:

*D. Motor Vehicle and related services.*

- (1) Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provided that:*
  - (a) The vehicles and equipment are stored entirely within an enclosed building or fully screened from view of adjacent residential lots and public roads.*
  - (b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.*
  - (c) A minimum parcel area of two (2) acres shall be provided.*

Section 267-53H (1) of the Harford County Code reads:

*H. Services. [Amended by Bill No. 97-54]*

- (1) Construction services and suppliers. These uses may be granted in the AG and VB Districts, provided that a buffer yard ten feet wide shall be provided around all outside storage and parking areas when adjacent to a residential lot or visible from a public road.*

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 1).

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

## STAFF REPORT

Board of Appeals Case Number 5434

Donald & Mary Sue Lynch

Page 3 of 7

### **LAND USE and ZONING ANALYSIS:**

#### Land Use – Master Plan:

The subject property is located east of Churchville Road, off of the south side of Level Road (MD Route 155). The parcel has frontage on the southwest side of Carico Lane, which is a private road. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The predominant land use designation in this area of the County is Agriculture/AG Residential. The Natural Features Map reflects stream buffer systems. The subject property is designated as Agriculture/AG Residential, which is defined by the 1996 Land Use Element Plan as:

**Agriculture/AG Residential** – Areas where agriculture is the primary land use. Where developments rights are available, residential development at a density of 1.0 dwelling unit for every 10 acres is possible. Commercial uses within this area are intended to serve the agriculture industry or residents of the area.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 4 and 5).

#### Land Use – Existing:

The existing land uses in this area of the County conform to the overall intent of the 1996 Master Plan. This area of the County is predominantly agricultural, with cropland, pastureland and large areas of dense woodland. There are no major residential developments, only small subdivisions and individual dwellings. The topography of the area ranges from rolling to steep, especially near the stream valleys. Enclosed with the report is a copy of the aerial photograph and topography map (Attachments 6 and 7).

The Applicants' property is just over six acres in size. The parcel is located approximately 700 feet south of Level Road on the southwest side of Carico Lane. Carico Lane is a private, gravel road and serves as access to the Applicants' property and the surrounding farm fields. The topography of the subject property is level to gently rolling. The improvements are screened from the road and dwellings in the area. Improvements consist of a two-story frame farmhouse, a large barn approximately 75 feet to the left and rear of the dwelling, a smaller building to the left side of the driveway and a pole building with three large garage bay doors. Located around the dwelling is a grove of mature trees. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9).

#### Zoning:

The zoning classifications in the area conform to the overall intent of the 1996 Master Plan as well as the existing land uses. The predominant zoning classification in this area is

STAFF REPORT

Board of Appeals Case Number 5434

Donald & Mary Sue Lynch

Page 4 of 7

AG/Agricultural, including the subject property. There are areas of RR/Rural Residential and VR/Village Residential zoning. Commercial zoning includes VB/Village Business and B3/General Business Districts. Enclosed with the report is a copy of the zoning map (Attachment 10).

**SUMMARY:**

The Applicants are requesting a Special Exception pursuant to Section 267-53D(1) of the Harford County Code to allow the storage of commercial vehicles and a special exception pursuant to Section 267-53H(1) of the Harford County Code to allow construction services in an Agricultural District.

Section 267-53D(1):

*D. Motor Vehicle and related services.*

- (1) Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provided that:*

The subject property and surrounding area are zoned AG/Agricultural.

- a) The vehicles and equipment are stored entirely within an enclosed building or fully screened from view of adjacent residential lots and public roads.*

The Applicants operate a construction business and have two full-size vans, a small trailer and equipment and tools. The vehicles and tools will be stored entirely within the existing 40 foot by 60 foot building as shown on the Applicants' site plan. There are no adjacent residential lots and due to the topography and the crops around the surrounding property, the pole building cannot be seen from Level Road. There will be no outside storage.

- (b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.*

There will be no sales from the property, therefore this section is not applicable to the subject request.

- (c) A minimum parcel area of two (2) acres shall be provided.*

The site is 6.003 acres in size.

STAFF REPORT

Board of Appeals Case Number 5434

Donald & Mary Sue Lynch

Page 5 of 7

Section 267-53H (1):

*H. Services. [Amended by Bill No. 97-54]*

- (1) Construction services and suppliers. These uses may be granted in the AG and VB Districts, provided that a buffer yard ten feet wide shall be provided around all outside storage and parking areas when adjacent to a residential lot or visible from a public road.*

The subject property as well as the surrounding lands are zoned AG/Agricultural. There are no adjacent residential lots and the pole building is screened from MD 155.

Section 267-9I:

- (1) The number of persons living or working in the immediate area.*

The subject property is located in a rural area of the County. The Applicants' property sits approximately 700 feet off Level Road on a private road (Carico Lane). The Applicants' dwelling and other improvements are not easily visible from Level Road due to the topography, trees and existing farm crops. The Applicant presently has six employees. The employees normally report directly to job sites. They generally only visit the site one day per week. There should be little or no impact on persons living or working in the immediate area.

- (2) Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The property is located approximately 700 feet off of MD Route 155 and fronts on the southwest side of Carico Lane, which is a private road with a 60 foot right-of-way. Carico Lane serves as access to the Applicants' house and property and the surrounding farm fields. Level Road (MD Route 155) is a State road with a functional classification of Minor Arterial-Rural Road. Sight distance on Level Road at Carico Road is very good in both directions. The Applicant has stated that he maintains the road for his use and for farmers to get to the fields. If the request is approved, it should be conditioned on the Applicant being responsible for future maintenance and any necessary upgrades to Carico Road.

- (3) The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The use is permitted in the Agricultural District with Board of Appeals approval. There should be no adverse fiscal impact to the County.



## STAFF REPORT

Board of Appeals Case Number 5434

Donald & Mary Sue Lynch

Page 6 of 7

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The Applicants' business and equipment should not have an adverse impact on the surrounding community pursuant to the issues listed in this section.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and Maryland State Police will provide police protection. The Level Volunteer Fire Company will provide fire protection. Water and sewer facilities will be provided by an on-site well and septic system. A company of the Applicants' choice shall handle trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The use as proposed is consistent with generally accepted planning principles.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The proposal should have no impact on any of the uses listed in this subsection. There are two churches within the immediate area; however, they should not be impacted by the proposal.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is consistent with the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The proposed use will not adversely impact any environmentally sensitive natural features.

- (10) *The preservation of cultural and historic landmarks.*

The request will not impact any historic landmarks.

### **RECOMMENDATION and/or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the requested special exceptions be approved, subject to the following conditions:

STAFF REPORT

Board of Appeals Case Number 5434

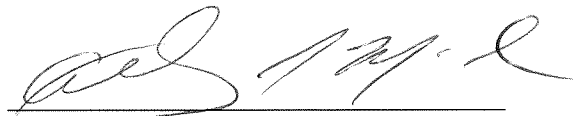
Donald & Mary Sue Lynch

Page 7 of 7

1. The Applicants shall submit a detailed site plan to be reviewed through the Development Advisory Committee (DAC).
2. The hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday, with no hours of operation on Sunday.
3. No outside storage of vehicles and materials shall be permitted.
4. Any lighting shall be directed on site and away from the road and/or adjoining properties.



Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review



Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/ka